

A duplicate of the previous 11/16/07 restriction requirement was sent out on 1/30/07 in error. The duplicate 1/30/07 restriction requirement is hereby vacated. The restriction requirement found herebelow should have been sent out. A new period of response is restarted with the date of this action. The error is regretted.

Acknowledgement is made of applicant's election of the apparatus claims for prosecution. Because so many claims are singly dependent on various independent claims it is apparent that applicant is claiming a large number of very different subcombinations DISCLOSED as useable in a single combination and that the searches for each of these subcombinations is uniquely different it would present a very serious burden to the Office to search all subcombinations.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 and 4, drawn to clamping element with drive releasably coupled, stepping motor.
- II. Claims 1, 5, and 6, drawn to clamping element with drive releasably coupled, drives in transverse member.
- III. Claims 1, 5, and 7, drawn to clamping element with drive releasably coupled, transverse member hollow.
- IV. Claims 1, 5, and 11, drawn to clamping element with drive releasably coupled, suction path for access bore.
- V. Claims 1, 8 and 9, drawn to clamping element with drive releasably coupled, two central transverse grooves.

Art Unit: 3723

- VI. Claims 1, 8 and 10, drawn to clamping element with drive releasably coupled, inclined insertion faces.
- VII. Claims 1, 12, and 13, drawn to clamping element with drive releasably coupled,, rotatable balls.
- VIII. Claims 1, 14, and 15, drawn to clamping element with drive releasably coupled, plastic annular cuff.
- IX. Claims 2 and 3, drawn to clamping element with drive permanently coupled, mechanical centering.
- X. Claims 2 and 18, drawn to clamping element with drive permanently coupled, coupled in transverse members.
- XI. Claims 2 and 19, drawn to clamping element with drive permanently coupled, work feed plane.
- XII. Claims 2 and 20, clamping element with drive permanently coupled, annular cuff.

Inventions I-XII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I requires a stepping motor but does not require drives in transverse member (subcombination II) therefor subcombination I has separate apart from subcombination II. Conversely, subcombination II requires drives in transverse member but does not requires a

stepping motor (subcombination I) therefor subcombination II has separate utility from subcombination I. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries); For example, subcombination I requires a separate text

Art Unit: 3723

search and class/subclass search in the motor art for a stepping motor that is not required in the subcombination II search. Subcombination II requires a separate text search and class subclass search in the class 403 connections for a specific telescopic connection which is not required for the subcombination I search. This demonstrates two-way-distinctness.

A similar analysis can be made when comparing any two groups supra and such analysis would yield the same two-way-distinctness result.

(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after

the election, applicant must indicate which of these claims are readable on the elected invention.

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Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert C. Watson/

Primary Examiner, Art Unit 3723

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